UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUL 0 8 2015

Mr. Robert Piniewski
Project Coordinator
Project Navigator, Ltd.
10497 Town and Country Way, Suite 830
Houston, TX 77024

Re: Reply to the Joint Defense Group's (JDG's) Response to Comments on the draft Feasibility Study (FS) dated September 2014 for the Patrick Bayou Superfund Site, Deer Park, Harris County, Texas.
Administrative Settlement Agreement and Order on Consent (AOC) for Remedial Investigation/Feasibility Study (RI/FS)
CERCLA Docket No. 06-07-05

Dear Mr. Piniewski:

The Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) have conducted a thorough review of the JDG's Response to Comments (dated March 11, 2015) on the draft FS for the Patrick Bayou Superfund site. As a summary, all comments can be "categorized" into three remaining topics.

First, the JDG's Response to Comments has still not recognized the Patrick Bayou as a sustainable fishery as defined in the Texas Surface Water Quality Standards (TSWQS). This recognition is imperative to move this project forward. The EPA and the TCEQ have determined that Patrick Bayou meets the definition of a sustainable fishery; therefore, the corresponding water quality standards (for PCBs, mercury, and dioxin/furans as TCDD equivalents) must be considered in the remedial strategies.

Second, the probable effects level quotient (PEL-Q) issue has not been resolved. While we prefer a target PEL-Q value of 3.07, we are willing to consider the compromise PEL-Q value of 4.47, depending on our evaluation of the additional information requested below.

We request that the JDG provide the following information for our review:

- Revise the sediment management areas to ensure compliance with the sustainable fishery water quality standards (for water) or background concentrations (if background is higher) for mercury, PCBs, and dioxin/furans.

- Revise the sediment management areas to meet the target sediment PEL-Q intended to be protective of the benthic invertebrate pathway.

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- Provide sediment maps depicting the remedial foot print for proposed Remedial Alternatives 3 and 4 in the draft FS, to meet each of the PEL-Q values of 3.07, 4.47, and 7.56, in combination with the water quality standards for PCBs, mercury, and dioxin/furans as TCDD equivalents.

- Provide sediment management areas (acreages) for proposed Remedial Alternatives 3 and 4 in the draft FS, to meet each of the PEL-Q values of 3.07, 4.47, and 7.56, in combination with the water quality standards for PCBs, mercury, and dioxin/furans as TCDD equivalents.

- Propose an approach to determine background concentrations for mercury, PCBs, and dioxin/furans (as TCDD equivalents) in the water column.

Last, the EPA and the TCEQ have agreed to defer additional modelling until later in the Superfund process.

Thank you for your continued cooperation, and dedication to this project. The EPA and the TCEQ look forward to working together in a collaborative fashion. If you have further questions, please contact me at (214) 665-8516.

Sincerely yours,

Philip H. Allen
Remedial Project Manager